

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1722.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On October 19, 1911, the United States Attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of so-called maraschino cherries, remaining unsold in the original unbroken packages, in possession of D. Holzman & Co., a corporation, Spokane, Wash., alleging that the product had been shipped from the State of Ohio into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Maraschino Cherries, 12 btls., Guaranteed by the Manufacturer under the Food and Drugs Act, June 30, 1906, Serial No. 3333." (On retail packages, in 20 cases) "Green label—Keep on ice after opening—Colored with Cochineal Lake—SO₂ present; 0.008%, Maraschino Cherries—Guaranteed not to be adulterated or misbranded within the meaning of the National Pure Food Law. Serial No. 3333." (On retail packages, in 10 cases) "Gold Label. Keep on ice when opened. Maraschino Cherries. Colored with Cochineal Lake. Keep on ice after opening. Guaranteed by the Manufacturers under the Food and Drugs Act, June 30, 1906. Serial No. 3333. Packed for D. Holzman and Co., Spokane, Wash."

Adulteration was alleged in the libel for the reason that the product did not contain maraschino liqueur nor were they packed in syrup flavored with that substance, but, in truth and in fact, there had been substituted a sugar syrup flavored with benzaldehyde. Misbranding was alleged for the reason that the labeling of the product was misleading and false so as to deceive and mislead the purchaser and so as to offer the product for sale under the name of another article and was a misbranding within the meaning of the Act.

On November 3, 1911, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of the costs of the proceedings by the said D. Holzman & Co., and the execution of bond by said company in the sum of \$500 in conformity with section 10 of the Act, the product should be released and delivered to said claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., August 8, 1912.